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Jason Sulak

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EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2173

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/629,370	<b>Applicant(s)</b> SULAK ET AL.	
	<b>Examiner</b> NAMITHA PILLAI	<b>Art Unit</b> 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The Examiner acknowledges Applicant's submission on 4/22/08 including an appeal brief. Prosecution has been re-opened to address new issues with the claims.

### ***Specification***

2. The specification is objected to because it does not contain a clear definition of the claimed limitation, "computer usable medium" in the body of the disclosure. The specification does not clearly indicate what types of media are represented by the computer usable medium of claim 10. Applicant is requested to make appropriate corrections.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 8-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6, 311, 214 B1 (Rhoads), U. S. Patent No. 6, 494, 571 (Finkel) and U. S. Patent No. 6, 704, 120 B1 (Leone III et al.), herein referred to as Leone.

Referring to claim 1, Rhoads discloses a system for online creation of a printable product (column 10, lines 24-29). The use of the Internet network discloses a client/server paradigm, where the user or client computer would access the data and store the data on the server. Rhoads also teaches that a printer operatively coupled to

the client computer allows for the printing of the printable product (column 10, lines 53-56). Rhoads does not disclose the details of the printable product system including the stores data element such as design data and a first program for modifying the design data and assembly functions. Finkel discloses the accessing of design data needed for the creation of a printable product. Finkel goes further in teaching that this defining data including design elements are downloaded from the Internet network, thereby teaching that this defining data is stored on a server that the client will download. See column 1, lines 35-40. It would have been obvious for one skilled in the art, at the time of the invention to disclose the server storing the design data that will be downloaded for defining the plurality of printable products. Both Rhoads and Finkel teach a means for customizing printable products through the use of a client/server system. Rhoads has taught the basic steps of how a user can access and customize at a client site but has not provided the details that are obviously needed for Rhoad's customization to occur on a client/server system. Finkel has taught that the downloading of design data would allow for the accessing of the design data needed by Rhoads for creating printing of a product. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from Finkel to store and download defining data for a plurality of printable products including design elements.

Rhoads and Finkel do not disclose a first program providing a user with modification functions for modifying the defining data and assembly functions for assembling a printable product for printing. Leone teaches that an applet representative of a first program is downloaded and operated in a web browser, with the program

providing functions to customize the printed product and to further print the product (column 8, lines 49-53). The client computer will access the server through the Internet network and the first program or plug-in will be downloaded. It would have been obvious for one skilled in the art, at the time of the invention to learn from Leone to disclose a first program providing functionality for customizing printable products. Rhoads and Finkel disclose the use of an online system for creating and downloading design data for customizing and printing a printable product. The use of a web browser and system for this creation and downloading creates a need for a program that would allow for the functions to be carried out. The accessing of web information from various places would create a need for a program that is both accessible and has means to carry out the functions desired. This program commonly used with web browsers would a plug-in or applet as disclosed in the current invention and also taught in Leone. Hence, it would have been obvious for one skilled in the art at the time of the invention to disclose a first program that provides a user with modification functions for modifying the defining data, with this applet representing a first program and downloaded and operated in a web browser to customize a greeting.

Referring to claims 2 and 15, Rhoads, Finkel and Leone disclose that the plurality of printable products includes greeting cards (Rhoads, column 10, lines 51-53).

Referring to claims 3 and 16, Rhoads, Finkel and Leone discloses a browser program, as is used for displaying websites, accessing the web server, with the first program, represented as the first program enhancing the functionality of the browser program (Leone, column 8, lines 49-59).

Referring to claims 4 and 17, Rhoads, Finkel and Leone disclose that product defining data for customizing the product is downloaded to the client from the server, wherein the web applet, represented as the first program downloaded, can download the information for customizing the product (Finkel, column 1, lines 35-40).

Referring to claims 5 and 18, Rhoads, Finkel and Leone disclose that the defining data for the personalization of the product includes text elements (Rhoads, column 10, lines 18-20).

Referring to claims 8, 13 and 20, Rhoads, Finkel and Leone disclose that assembling of printing data also includes resizing or scaling for printing in a desired printing format (Finkel, column 3, lines 25-35), where Finkel teaches resizing or scaling the printed area for printing in a desired format.

Referring to claims 9 and 21, Rhoads, Finkel and Leone disclose that the modification includes modifying adding of design elements (Finkel, column 1, lines 31-34).

Referring to claim 10, Rhoads discloses a means for creating, modifying and printing of a printable product (column 10, lines 51-56). Rhoads discloses a means for modifying the defining data and formatting the defining data for printing (column 10, lines 51-56), where the customization teaches modifying the defining data of the greeting card which will then be printed. Rhoads does not disclose downloading data defining the printable product and means for modifying a browser program. Finkel discloses the accessing of design data needed for the creation of a printable product. Finkel goes further in teaching that this defining data including design elements are

downloaded from the Internet network. See column 1, lines 35-40. It would have been obvious for one skilled in the art, at the time of the invention to disclose the server storing the design data that will be downloaded for defining the plurality of printable products. Both Rhoads and Finkel teach a means for customizing printable products through the use of a client/server system. Rhoads has taught the basic steps of how a user can access and customize at a client site but has not provided the details that are obviously needed for Rhoad's customization to occur on a client/server system. Finkel has taught that the downloading of design data would allow for the accessing of the design data needed by Rhoads for creating printing of a product. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from Finkel to store and download defining data for a plurality of printable products including design elements.

Rhoads and Finkel do disclose a means for allowing a user to edit the data defining a printable product within the browser program (Rhoads, column 10, lines 18-21). Rhoads and Finkel do not disclose a means for modifying a browser program on a personal computer of a user. Leone teaches that an applet representative of a first program is downloaded and operated in a web browser, with the program providing functions to customize the printed product and to further print the product (column 8, lines 49-53). The client computer will access the server through the Internet network and the first program or plug-in will be downloaded thereby modifying a browser program on a personal or client computer. It would have been obvious for one skilled in the art, at the time of the invention to learn from Leone to disclose a first program

providing functionality for customizing printable products. Rhoads and Finkel disclose the use of an online system for creating and downloading design data for customizing and printing a printable product. The use of a web browser and system for this creation and downloading creates a need for a program that would allow for the functions to be carried out. The accessing of web information from various places would create a need for a program that is both accessible and has means to carry out the functions desired. This program commonly used with web browsers would a plug-in or applet would modify the browser as disclosed in the current invention and also taught in Leone. Hence, it would have been obvious for one skilled in the art at the time of the invention to disclose a means for modifying a browser program by downloading of a first program that provides a user with modification functions for modifying the defining data, with this applet representing a first program and downloaded and operated in a web browser to customize a greeting.

Referring to claims 11 and 12, Rhoads, Finkel and Leone disclose modifying means for manipulating any of the design elements, wherein the elements include text or graphics for customizing the printable products (Finkel, column 1, lines 31-34).

Referring to claim 14, Rhoads discloses a system for online creation of a printable product (column 10, lines 24-29). The use of the Internet network discloses a client/server paradigm, where the user or client computer would access the data and store the data on the server. Rhoads also teaches that a printer operatively coupled to the client computer allows for the printing of the printable product (column 10, lines 53-56). Rhoads does not disclose the details of the printable product system including the



stores data element such as design data and a first program for modifying the design data and assembly functions. Finkel discloses the accessing of design data needed for the creation of a printable product. Finkel goes further in teaching that this defining data including design elements are downloaded from the Internet network, thereby teaching that this defining data is stored on a server that the client will download. See column 1, lines 35-40. It would have been obvious for one skilled in the art, at the time of the invention to disclose the server storing the design data that will be downloaded for defining the plurality of printable products. Both Rhoads and Finkel teach a means for customizing printable products through the use of a client/server system. Rhoads has taught the basic steps of how a user can access and customize at a client site but has not provided the details that are obviously needed for Rhoad's customization to occur on a client/server system. Finkel has taught that the downloading of design data would allow for the accessing of the design data needed by Rhoads for creating printing of a product. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from Finkel to store and download defining data for a plurality of printable products including design elements.

Rhoads and Finkel do not disclose a first program providing a user with modification functions for modifying the defining data and assembly functions for assembling a printable product for printing. Leone teaches that an applet representative of a first program is downloaded and operated in a web browser, with the program providing functions to customize the printed product and to further print the product (column 8, lines 49-53). The client computer will access the server through the Internet

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network and the first program or plug-in will be downloaded. The applet program allow for the assembly and modification functions to occur within the web browser program on a client computer. The first program is accessed from a server and downloaded to a client computer where all interactions occur within the web browser program, as is the case with applets and plug-ins. It would have been obvious for one skilled in the art, at the time of the invention to learn from Leone to disclose a first program providing functionality for customizing printable products. Rhoads and Finkel disclose the use of an online system for creating and downloading design data for customizing and printing a printable product. The use of a web browser and system for this creation and downloading creates a need for a program that would allow for the functions to be carried out. The accessing of web information from various places would create a need for a program that is both accessible and has means to carry out the functions desired. This program commonly used with web browsers would a plug-in or applet as disclosed in the current invention and also taught in Leone. Hence, it would have been obvious for one skilled in the art at the time of the invention to disclose a first program that provides a user with modification functions for modifying the defining data, with this applet representing a first program and downloaded and operated in a web browser to customize a greeting for printing.

Referring to claim 19, Rhoads, Finkel and Leone disclose using the first program to assemble printing data for printing the printable product on the printer (Leone, column 8, lines 49-59).

Referring to claims 22 and 23, Rhoads discloses a system for enabling a user to create and print social expression products over a computer network (column 10, lines 51-56). Rhoads discloses an Internet network system, wherein the user accesses the customization information for greeting cards through a web site. Rhoads, thereby disclosing this online access, suggests the presence of a web server, a client computer, wherein the user can communicate and access information from the web server to display the information. A web browser which allows for the website to be displayed on the client computer. The use of the Internet network discloses a client/server paradigm, where the user or client computer would access the data and store the data on the server. Rhoads also teaches that a printer operatively coupled to the client computer allows for the printing of the printable product (column 10, lines 53-56). Rhoads disclosure of customizing within the website suggests that assembling and modifying, customizing occur with the web browser on the client computer. Rhoads also suggests a printer operatively coupled with a client computer, wherein the printable product customized at a website, can be printed at the user's computer. See column 10, lines 51-56 and lines 24-26. Rhoads does not disclose the details of the printable product system including the stores data element such as design data and a first program for modifying the design data and assembly functions. Finkel discloses the accessing of design data needed for the creation of a printable product. Finkel goes further in teaching that this defining data including design elements are downloaded from the Internet network, thereby teaching that this defining data is stored on a server that the client will download. See column 1, lines 35-40. It would have been obvious for one

skilled in the art, at the time of the invention to disclose the server storing the design data that will be downloaded for defining the plurality of printable products. Both Rhoads and Finkel teach a means for customizing printable products through the use of a client/server system. Rhoads has taught the basic steps of how a user can access and customize at a client site but has not provided the details that are obviously needed for Rhoad's customization to occur on a client/server system. Finkel has taught that the downloading of design data would allow for the accessing of the design data needed by Rhoads for creating printing of a product. Hence, it would have been obvious for one skilled in the art, at the time of the invention to learn from Finkel to store and download defining data for a plurality of printable products including design elements.

Rhoads and Finkel do not disclose a plug-in program retrieving and providing a user with modification functions for modifying the defining data and assembly functions for assembling a social expression product for printing. Leone teaches that an applet representative of a first program is downloaded and operated in a web browser, with the program providing functions to customize the printed product and to further print the product (column 8, lines 49-53). The client computer will access the server through the Internet network and the first program or plug-in will be downloaded. The accessing of this program from a server teaches that this program is stored in a web server and further delivered to the client based on a user request. It would have been obvious for one skilled in the art, at the time of the invention to learn from Leone to disclose a plug-in program providing functionality for customizing printable products. Rhoads and Finkel disclose the use of an online system for creating and downloading design data

for customizing and printing a printable product. The use of a web browser and system for this creation and downloading creates a need for a program that would allow for the functions to be carried out within a web browser. The accessing of web information from various places would create a need for a program that is both accessible and has means to carry out the functions desired within a web browser. This program commonly used with web browsers would be a plug-in or applet as disclosed in the current invention and also taught in Leone. Hence, it would have been obvious for one skilled in the art at the time of the invention to disclose a plug-in program that provides a user with modification functions for modifying the defining data, with this applet representing a first program and downloaded and operated in a web browser to customize a greeting.

Referring to claim 24, Rhoads, Finkel and Leone disclose the storing of data is in one of a remote storage device (Rhoads, column 10, lines 35-40).

Referring to claim 25, Rhoads, Finkel and Leone disclose that the plug-in program, which is responsible for functionality involving customizing the printable product, adds design elements from an external source (Finkel, column 1, lines 29-40) with the design elements having been created by the user (Rhoads, column 10, line 19).

Referring to claim 26, Rhoads, Finkel and Leone disclose that the data defining a printable product is stored on one of a remote storage device, personal computer and a portable storage medium (Finkel, column 1, lines 29-40).

4. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 5, 552, 994 (Cannon et al.), herein referred to as Cannon, U. S. Publication

No. 2001/0034746 A1 (Tsakiris et al.), herein referred to as Tsakiris and "Helpers and Plug-In's".

Cannon discloses a computer system for selecting, modifying and printing customized greeting cards (column 1, lines 15-20). Cannon also discloses database containing multiple greeting cards identified and selectable by contents, genre and attributes (column 4, lines 32-50). Cannon discloses that the database includes selectable assets for each greeting card including graphic and text designs for front panels, inside panels and back panels of greeting cards and selectable text elements including font, point size, color and alignment and print parameters (column 11, line 1-column 12, line 15), wherein this section refers parameter data related to a card design along with panel details and further teaching that all parameter information related to a card design is stored in a database. Cannon discloses selecting greeting card design elements and asset information for display, editing and printing assembly for all panels of a greeting card (column 11, line 1-column 12, line 15 and column 14, lines 45-50), with Cannon first teaching selecting and editing the card design data with the editing applied to all panels of the greeting card and then printing of the greeting card. Cannon discloses scaling and resizing elements of the card for division into greeting card panels for printing (column 11, lines 45-60), where all elements added onto the card are adjusted based on selection of a panel, further resizing and scaling of fonts for placement onto the card for printing. Cannon discloses Cannon does disclose a personal computer (Figure 16) but does not disclose accessing Internet data. Tsakiris discloses greeting card customization system much like Cannon, further teaching that

the greeting card customization is done through the Internet. Tsakiris discloses a personal computer programmed with an Internet web browser and operatively connected to a web server where the databases reside in the form of URL identifiable pages. Tsakiris teaches accessing card data through web pages, where databases are accessed for this data and data is presented to the user based on accessing a link or URL. See page 2, paragraph 13. Tsakiris teaches transmitting to the personal computer via hypertext transport protocol which is commonly used for transfer of data in Internet networks, and displaying data formatted according to the hypertext mark-up language including embedded formatting commands in the form of menu commands represented by hyperlinks. See page 2, paragraph 13 and page 3, paragraph 36. It would have been obvious for one skilled in the art at the time of the invention to disclose accessing information through the Internet with databases storing information in the form of URL identifiable pages, through common protocols used in accessing Internet data. Cannon teaches various different ways through which data is stored and accessed, including within a medium or databases. Cannon further teaches networking means through which information can be accessed. See column 15, lines 1-15 and column 6, lines 50-67. Accessing the same greeting card definition data through the Internet is another form of accessing stored data in a database that would be beneficial to the user. Accessing of this data is also beneficial to the user, for it allows the user to access this data from a plurality of locations. As is also taught in Tsakiris, the accessing of data stored in a web server is through URL identifiable pages. Hence, one skilled in the art, at the time of the invention would have been motivated to disclose a personal

computer programmed with an Internet web browser and operatively connected to a web server where the databases reside in the form of URL identifiable pages.

Cannon and Tsakiris discloses using the embedded hyperlinks to access formatting data and further using script program to editing the card information (Tsakiris, page 4, paragraph 41), this script program used along with a web server represents a plug-in program. Cannon and Tsakiris do not disclose downloading the program to the Internet web browser and further being operative to detect and launch the plug-in program by a file extension. "Helpers and Plug-In's" teaches well known features associated with plug-ins including loading or downloading of the program into the web browser and associating the plug-in for launching by a file extension (page 1, lines 33-38). It would have been obvious for one skilled in the art, at the time of the invention to download the program to the Internet web browser and further being operative to detect and launch the plug-in program by a file extension. Cannon and Tsakiris disclose the use of plug-in programs for editing defining data but do not teach the well-known steps for accessing plug-in programs. The article "Helpers and Plug-In's" teaches well known features of plug-ins that are applicable when implementing plug-ins, the file extension method used for detecting and launching the plug-ins as is taught in the article. Hence, it would have been obvious for one skilled in the art, at the time of the invention to disclose downloading the program to the Internet web browser and further being operative to detect and launch the plug-in program by a file extension.

The combination of Cannon, Tsakiris and "Helpers and Plug-In's" teach the method of a plug-in program, represented as a script program within a web browser using means for



assembling data by selecting and editing of assets of a greeting card, the program including selected greeting card design elements and asset information for display, editing and printing assembly for all panels of a greeting card.

### ***Conclusion***

5. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAMITHA PILLAI whose telephone number is (571) 272-4054. The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published

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in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai  
Primary Examiner  
Art Unit 2173  
July 20, 2009

/Namitha Pillai/

Primary Examiner, Art Unit 2173